

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

ANTHONY J. NASSEFF, JR.,

Case No. 18-CV-0396 (DSD/BRT)

Plaintiff,

v.

**ORDER**

WILLIAM BRAUN; MICHAEL  
COSTELLO; ABBY DOMAGALSKI;  
GLENN LISOWY; ROBERT MARTIN;  
INEZ REORDAN; MICHELLE SMITH;  
PAUL A. THIELEN; JERRY THOR;  
NICK VIDAL; TAMMY WHERLEY;  
and THERESA WOHLHAFFER, sued in  
their individual capacities,

Defendants.

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In an order dated April 3, 2018, Magistrate Judge Becky R. Thorson explained that the complaint submitted by Anthony J. Nasseff failed to state a claim on which relief may be granted, as it did not include factual allegations directed at any of the defendants specifically. ECF No. 8. Rather than recommending dismissal of the complaint, Judge Thorson provided Nasseff with an opportunity to file an amended complaint by no later than May 18, 2018, failing which it would be recommended that this matter be dismissed without prejudice for failure to prosecute. ECF No. 10. Nasseff did not file an amended complaint, but instead appealed from Judge Thorson's order. ECF No. 11. This court expressed its satisfaction "that the magistrate judge properly exercised her discretion in determining that Nasseff's original complaint was deficient and subject to dismissal" and

therefore denied the appeal. ECF No. 12 at 2. Judge Thorson's previous orders remained in effect.

The deadline for filing an amended complaint has now passed by several months, and Nasseff has not yet filed an amended complaint. In fact, Nasseff has not communicated with the court about this case at all since the court denied his appeal. Accordingly, the court now dismisses this action without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. See Henderson v. Renaissance Grand Hotel, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

#### ORDER

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: September 12, 2018

s/David S. Doty  
David S. Doty, Judge  
United States District Court